

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**STEVEN HAROLD JACKSON
ADC #116602**

PLAINTIFF

v.

No: 3:19-cv-00324 KGB-PSH

TERRY MILLER

DEFENDANT

ORDER

Before the Court is a motion by Plaintiff Steven Harold Jackson (“Plaintiff”) to appoint counsel to assist him in conducting discovery (Doc. No. 34). Plaintiff’s motion is DENIED. Plaintiff states that he needs assistance obtaining his medical records from the community hospital in Piggott, Arkansas. Plaintiff may file a motion for subpoena duces tecum requiring non-parties to produce records. Plaintiff also states that he cannot obtain a motion of discovery from defendant’s counsel. It is not clear what Plaintiff is referring to, or whether he has propounded discovery on the defendant. If the defendant fails to respond to his discovery requests, he may file a motion to compel once he has conferred in good faith with defense counsel as required by Fed. R. Civ. P. 37(a)(1) and Local Rule 7.2(g).

A civil litigant does not have a constitutional or statutory right to appointed counsel in a civil action, but the Court may appoint counsel at its discretion. 28 U.S.C. § 1915(e)(1). The Court has considered Plaintiff’s need for an attorney, the

likelihood that Plaintiff will benefit from assistance of counsel, the factual complexity of the case, the Plaintiff's ability to investigate and present his case, and the complexity of the legal issues. In considering these factors, the Court finds that Plaintiff's claims do not appear legally or factually complex, and it appears he is capable of prosecuting his claims without appointed counsel at this time. Counsel will be appointed at the direction of the Court when and if it is deemed necessary.

IT IS SO ORDERED this 6th day of October, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE